

REMARKS

Claims 2-8 and 10-14 are pending. No new matter has been added by way of the present amendments. For instance, claims 2 and 3 have been placed into independent format and claim 1 has subsequently been cancelled. The dependency of claims 4-8 have been altered to depend upon claim 2. Lastly, newly added claims 10-14 substantially parallel language present in claims 4-8, but depend upon claim 3. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

RENEWED REQUEST TO INITIAL INFORMATION DISCLOSURE STATEMENT

At page 5 and 6 of the Amendment submitted on December 13, 2005, Applicants submitted a request to the Examiner to initial the Information Disclosure Statement (IDS) filed December 8, 2004. However, the Examiner has not yet addressed Applicants request to properly consider the Information Disclosure Statement (IDS) originally filed on December 8, 2004. Accordingly, Applicants hereby reiterate their comments.

That is, the Examiner has asserted that the IDS filed on December 8, 2004 failed to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each cited patent document. Applicants submit that the Examiner is incorrect.

The present application is the U.S. National Phase of PCT/EP03/06886. Two of the three references referred to by the Examiner (EP 0545099-A and DE 19840322) were not supplied with the IDS since they were cited in the International Search Report corresponding to PCT/EP03/06886. As such, the International Bureau provides copies of these references to the

national phase office, in this case the USPTO. Regardless, copies of DE 19840322-A1 (which corresponds to USP 3,000,780, already provided,) and EP 0545099 (which corresponds to application 07/973,976 (USP 5,330,995)), need not be provided since the corresponding U.S. counterparts were already provided.

The third reference referred to by the Examiner, JP 2001/302605-A was in fact already provided. However, to expedite this issue a replacement copy of JP 2001/302605, along with its corresponding English Abstract was provided for the Examiner's information with the December 13, 2005 Response.

To summarize, Applicants respectfully request that the Examiner properly consider the IDS filed on December 8, 2004.

Issues under 35 U.S.C. §103(a)

The Examiner has rejected claims 1 and 4-8 under 35 U.S.C. §103(a) as being obvious over GB 857,388, C2002-041987 (abstract, SUMITOMO) and U.S. Patent 6,369,093. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the presently pending claims have been limited to the subject matter of claims 2 or 3. As indicated by the Examiner at page 5 of the outstanding Office Action, claims 2 and 3 are allowable. Thus, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Allowable Subject Mater


In view of the above, Applicants respectfully submit that the presently pending claims define subject matter which is patentable. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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